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BOARD OF RESPIRATORY CARE PUBLIC SESSION MINUTES

SOMERSET CONFERENCE ROOM 6th Floor

May 6, 2014

Final

The May meeting of the New Jersey State Board of Respiratory Care was convened in accordance with its notice to the Lieutenant Governor, the Bergen Record, the Trenton Times, the Courier Post and the Star-Ledger and was conducted in accordance with the provisions of the Open Public Meetings Act.

Chairman Capek convened the meeting at 10:00 a.m. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Kenneth Capek
Christopher Lange
James Brophy
Janet Castronovo
Michael G. Brown

ABSENT: Robert Malovany, MD

Also in attendance: Virginia Class-Matthews, Deputy Attorney General, Dorcas K. O'Neal, Executive Director, Rachel Glasgow Regulatory Analyst, Deputy Director Maryann Sheehan, Terri Goldberg and Kathleen Griffith, staff.

Public attendance:

1. The Board reviewed the Public Session Minutes of March 11, 2014. **On a motion by James Brophy, seconded by Janet Castronovo, the Board unanimously approved the Public Session Minutes as amended to include public attendee, Michael Jensen, President of US HomeMed.**

II. OLD BUSINESS/REAGENDIZED

- a. **The Board reviewed CE Broker- Statement of Work Expectations from Vendors (RFP)**

- i. Rutgers School of Health Related Sciences audits for the Board of Physical Therapy.

Note: For contracts over \$36,000.00, three bids must be obtained. Under \$17,000.00, the Scope of Work may be process in-house.

Francine Widrich is working on the scope of work requirements for the Request for Proposal. Reagendized.

- b. **I/M/O Michael Jensen, US HomeMed LLC - Deputy Director Maryann Sheehan**, presented a draft response to letter sent to U.S. Congressman, Christopher H. Smith as well as the draft of initial response to letter from Michael Jensen, President, US HomeMed LLC, sent to the Board; and a letter from Assemblyman Sean T. Kean, for US HomeMed, dated April 25, 2014

The content of each letter was discussed. The letter was amended.

On a motion by Janet Castronovo, seconded by James Brophy, the Board determined that the amended letter be sent to Mr. Jensen for his signature to be subsequently signed by Chairman Capek. Reagendized.

III. NEW BUSINESS

- a. **The Board reviewed an e-mail from Rachel Morales of St. Joseph's Healthcare System**, inquiring as to whether a therapist driven protocol approved by St. Joseph's falls within the scope of practice and seeking language from the Board which would approve/support such protocol.

Chairman Capek wrote a Statement Supporting Respiratory Therapist-Driven Protocols (TDP).

Statement Regarding Respiratory Therapist-Driven Protocols (TDP)

The Board of Respiratory Care considers the use of a Respiratory Therapist-Driven Protocol (TDP) by a licensed Respiratory Care Practitioner consistent and in accordance with the New Jersey "Respiratory Care Practitioner Licensing Act."

A TDP is a documented set of instructions and process which permits the licensed Respiratory Care Practitioner to initiate or modify a patient care plan following a pre-determined and structured set of physician orders. They include instructions or interventions in which the licensed Respiratory Care Practitioner is allowed to initiate,

discontinue, refine, transition, or restart respiratory therapy, including related medications, as the patients' medical condition dictates. Protocols are generally written in algorithmic form, are based on scientific evidence and include guidelines and options at decision points along with clearly stated outcome objectives.

The Board recognizes that hospitals and other institutions may determine to use a TDP. The Board also notes that in its July 2007 Position Statement the American Association for Respiratory Care supported their use by respiratory therapists.

Since this protocol process is pre-approved by the physician medical director of the respiratory care department, hospital medical staff and administration, the Board licensed Respiratory Care Practitioner is considered to be practicing "under the direction or supervision of a physician" and therefore compliant with the "Respiratory Care Practitioner Licensing Act."

The Board unanimously determined that a copy of the Statement Regarding Respiratory Therapist-Driven Protocols (TDP), be sent to Ms. Morales and posted on the State website.

- b. **The Board reviewed an e-mail from Lindsey Park, regarding drop shipping PAP devices from the State of Kentucky directly to a patient to New Jersey.**

The Board determined that, pursuant to N.J.A.C. 13:44F-3.3 (f), the licensed respiratory care practitioner who delegates tasks set forth in (d) above in an outpatient setting shall ensure a follow-up visit from a licensee or a person exempt from respiratory care licensure pursuant to N.J.S.A. 45:14E-9 (c), takes place within 24 hours of delivery of the equipment to the patient for the purpose of conducting an in-person assessment of the equipment. The follow-up visit shall be documented in writing.

- 1. The documentation of the follow-up visit shall be maintained for all patients during the course of respiratory care, and for a period of one year following the termination of respiratory care services.**
- 2. The documentation of the follow-up visit shall be available for the Board's inspection on the business premises of the licensee or person exempt from licensure who conducts the follow-up visit, within 12 business hours of the Board's request. For the purposes of this section, "business hours" is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday.**

Querist will be so advised.

- c. **The Board reviewed Division of Law Billing for the 2nd quarter of Fiscal Year, as informational.**

d. ELECTION OF OFFICERS FOR 2014.

Election of Officers for 2014- Executive Director O'Neal, opened the floor for nomination for Chairman of the Board. Michael G. Brown nominated Kenneth Capek: Executive Director O'Neal called for other nominations. Hearing none, she called for a motion to close the nomination. Mr. Capek was elected.

Executive Director O'Neal, opened the floor for nomination for Vice Chairman of the Board. Christopher Lange nominated Michael G. Brown. Executive Director O'Neal called for other nominations. Hearing none, she called for a motion to close the nominations. Mr. Brown was elected.

IV. INFORMATIONAL/FYI

None.

IV. LEGISLATION AND PROPOSED REGULATIONS/REAGENDIZED

None.

VI. PUBLIC COMMENTS

None.

VII. OTHER BUSINESS

None.

There being no other business to come before the Board in Public Session, on motion by James Brophy, seconded by Christopher Lange, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel and to review nine items of old business.

The Board reconvened in Public Session. The next scheduled meeting is June 3, 2014. There being no other business to come before the Board, on a motion by Christopher Lange, seconded by Janet Castronovo, the Board adjourned the meeting at 12:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

